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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): ASH03009

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on March 7, 2009

Signature /Angela N. Trafton/

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Application Number	Filed
10/721,471	November 26, 2003

First Named Inventor: Daniel K. Tor et al

Art Unit	Examiner
3624	J. Cardenas-Navia

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☐ attorney or agent of record. Registration number _____.
- ☑ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 25,648

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3/9/2009
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

REASONS FOR REQUEST OF REVIEW OF FINAL REJECTION

The Rejection of Claims 1-20 is Legally Deficient Because The Cited References Taken Alone Or In Combination Do Not Disclose or Suggest All Claim Limitations

In overview, Applicants disclose, *inter alia*, a visitation system in which an incarcerated inmate can make a request for a number of people to visit him/her in a single group visit. One of the invited people in the group, e.g., the inmate's attorney, is selected by the inmate to facilitate the visit. That selected person can arrange for attendance of all group members, including the selected person, at the group visit, by supplying registration information about all of the group members to a prison authority in advance of that visit for approval purposes. The Office Action and Advisory Action rely on Farenden's disclosure of an employee "campus recruiter" signing up students on a college campus to attend his/her employer's jobs fair to be held on the employer's company facility, as allegedly being equivalent to Applicants' selected person group member noted above. Applicants disagree with this interpretation of Farenden for reasons given below.

First, with respect to the Office Action, consider, for example, claim 1 which is rejected under 35 U.S.C. §103(a), as being un-patentable over Lip in view of Farenden[1]. Claim 1 recites an inmate visitation system comprising, *inter-alia*: "*means for sending from one of the plurality of potential visitors a registration request for each of the plurality of potential visitors based upon the received visitation request.* (Claim 1, italics added) The Office Action (pg 5) admits that Lip does not teach this limitation.

The Office Action (pg 6) then relies on Farenden, paragraphs 118, 119 and 161 to teach this limitation. However, there is nothing in any of these paragraphs that teach or suggest this claim limitation. Paragraph 118 discusses candidate identification, presenting four categories of candidate: web candidates, current interns, pre-selected candidates and referred candidates.[2]

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[1] Applicants do not acquiesce in the combinability of Lip and Farenden.

[2] According to paragraph 141, referred candidates are referred by a campus recruiter, a search firm or by executive recommendation.

Paragraph 119 discusses completion of an employment skill questionnaire and a personal profile by the candidates, or searching posted employment opportunities. Paragraph 161 discusses employer-hosted recruiting events over multiple days on the employer's facility, where the candidates are evaluated through interviews, etc. and where hiring decisions are made during the event. Nothing in these paragraphs, or elsewhere in Farenden, teaches that one of the job candidates or interns sends a registration request, or equivalent, for himself/herself and for each of the other job candidates or interns, which is what Farenden would need to disclose, in order to at least be arguably analogous to this limitation of claim 1. This is not disclosed.

Instead, Farenden teaches that a potential employer's on-campus recruiter invites job candidates for interviews. But, the recruiter, who works for the employer, is obviously not one of the job candidates and, thus, cannot be "one of the plurality of potential visitors" as recited in claim 1. This is further supported by: "*means for receiving a visitation request from an inmate for a plurality of potential visitors to attend the same visitation*" of claim 1 (emphases added) Applicants' visitation request comes from the inmate. Analogously, Farenden's alleged equivalent of Applicants' visitation request comes from the employer. Therefore, a recruiter already working for the employer cannot be included in any alleged Farenden equivalent of the recited "visitation request" of claim 1. In other words, the employer does not invite himself or invite his/her employee recruiter, but only invites potential job candidates.

Indeed, in paragraph 161, it discusses an employer-hosted recruiting event "on site" which means that potential job candidates are invited by an employer to its facility. Under those conditions, the employer and its agents such as the recruiter are merely "on site" and the job candidates are a plurality of potential visitors. Clearly, it is the potential employer who is inviting all job candidates to its facility, and none of the job candidates themselves are described in Farenden as registering all of the other job candidates. This is not surprising because, in a job-fair, one candidate would not normally know the identities of, and have the contact information for, all other job candidates in the first place. However, even if known, the one candidate would probably not want to assist other candidates by registering them, because that could increase the competition for a job slot desired by the one candidate. Therefore, not only does Farrenden not disclose or suggest: "*means for sending from one of the plurality of potential*

visitors a registration request for each of the plurality of potential visitors based upon the received visitation request" as recited in claim 1 (italics added), but Farrenden actually teaches away from that claim limitation.

Turning to the Advisory Action, it refers to paragraphs 141 and 142 of Farrenden which, as discussed above, says that referred candidates can first come in contact with the hiring process through a "campus recruiter" by way of an on-campus interview. The Advisory Action then states: "*Essentially one person is having a registration request sent for them from another person based upon a visitation request.*" (italics added) Granted, a "campus recruiter" falls into the generic category of "another person" but he/she is the wrong another person with respect to attempting to read Farrenden on Applicants' claim limitation. The campus recruiter is not included within the "plurality of potential visitors" because he/she is not a visitor in the first place. Indeed, as noted above, the campus recruiter is not included in the recited "visitation request." Thus, the campus recruiter is, by definition, excluded from the recited "plurality of potential visitors." The only visitors in Farenden are those seeking job interviews and jobs. Quite differently, with respect to the employer who is considering hiring potential visitors, the campus recruiter is merely an agent of the employer as stated in Farenden: "*For example, the biography of **a recruiter currently working for the employer** as an electrical engineer my [sic] be presented to candidates whose profile indicates an interest or experience in electrical engineering.*" (Farrenden paragraph 128, emphases added) The recruiter works for the hiring employer. Therefore, the Advisory Action has erred in considering a recruiter to be within the class of persons that are defined by the "plurality of potential visitors" recited in claim 1.

Lip, admittedly, does not teach or suggest this claim limitation and Farenden, as shown above, does not teach or suggest this claim limitation. Thus, Lip and Farenden, individually, or in any reasonable combination, do not teach or suggest this limitation of claim 1. Accordingly, the 35 U.S.C. §103(a) rejection of claim 1 should be withdrawn and the claim allowed.

Independent claim 7 is rejected under 35 U.S.C. §103(a), as being un-patentable over Lip in view of Farenden. Claim 7 recites, *inter alia*: "sending from one of the plurality of potential visitors a registration request for each of the plurality of potential visitors based upon the received visitation request" and is allowable for the same reasons given with respect to claim 1.

Independent claim 13 is rejected under 35 U.S.C. §103(a) as being un-patentable over Lip in view of Farenden and Williams. Claim 13 recites, inter alia: "visitation registration program code for …automatically approving or disapproving a registration request for each of the plurality of potential visitors, the registration request sent from one of the plurality of potential visitors for each of the plurality of potential visitors based upon the visitation request…" Lip and Farenden do not disclose or suggest this limitation for reasons given above with respect to claim 1. Williams does not cure this deficiency of Lip and Farenden. Accordingly the 35 U.S.C. §103(a) rejection of claim 13 should be withdrawn and the claim allowed.

Independent claim 18 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farenden in view of Lip and Williams. Claim 18 recites, inter alia: "supplying the requested registration information to a sender of the request, the requested registration information being supplied by the one potential visitor about each one of the plurality of potential visitors." Farenden and Lip do not disclose or suggest this limitation for reasons given above with respect to claim 1. Williams does not cure this deficiency of Farenden and Lip. Accordingly the 35 U.S.C. §103(a) rejection of claim 18 should be withdrawn and the claim allowed.

Independent claim 20 is rejected under 35 U.S.C. §103(a) as being un-patentable over Farenden in view of Lip and Williams. Claim 20 recites a method comprising, *inter alia*: "the one potential visitor supplying the requested registration information to the least one prison network interface about each one of the plurality of potential visitors." Farenden and Lip do not disclose or suggest this limitation for reasons given above with respect to claim 1. Williams does not cure this deficiency of Farenden and Lip. Accordingly the 35 U.S.C. §103(a) rejection of claim 20 should be withdrawn and the claim allowed.

Dependent claims are also allowable at least because of their respective dependencies from allowable base claims.